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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/041,979	03/13/1998	RAJENDRA S. YAVATKAR	42390.P4264	4173

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EXAMINER

YAO, KWANG BIN

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/041,979	Applicant(s) YAVATKAR ET AL.	
	Examiner Kwang B. Yao	Art Unit 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 10-12, 14-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Drake, Jr.; et al. (US 5,461,611).

Regarding claims 1, 20, 26, 28, Drake, Jr.; et al. discloses a management system for local area networks comprising the following features: a storage medium having stored therein a plurality of programming instructions (Figs. 4-10, column 15, lines 41-46) executable by a processor, wherein when executed, the programming instructions implement a multi-media call application that effectuate quality of service (QOS) guaranty for a packet based multi-media call (CALL) through call associated individual media stream bandwidth control.

Regarding claims 2, 21, Drake, Jr.; et al. discloses the following features: the programming instructions (Figs. 4-10) determine if a sub-net bandwidth manager SBM (Fig. 1, REF 20) that manages network bandwidth is connected to a local area network (Fig. 1, REF 17) LAN through which the CALL is conducted, and if the SBM is connected to the LAN, register the CALL (Fig. 4, REF 62) with the SBM and reserve with the SBM bandwidth for subsequent allocation to media streams of the CALL (Fig. 5).

Regarding claims 3, 23, Drake, Jr.; et al. discloses the following features: the programming instructions make the determination, registration and bandwidth reservation for subsequent allocation to media streams of the CALL as an integral part of establishing a connection for the CALL (Figs. 4-6).

Regarding claims 4, 31, Drake, Jr.; et al. discloses the following features: the programming instructions further subsequently cause the SBM to allocate the reserved bandwidth for the CALL to individual media streams of the CALL (Figs. 4-6).

Regarding claim 5, 24, 32, the programming instructions invoke a bandwidth reservation service to request the SBM to allocate the reserved bandwidth for the CALL to individual ones of the media streams of the CALL, providing call level information to the bandwidth reservation service to enable the bandwidth reservation service to include the call level information in the requests for the SBM. See column 4, lines 53-56.

Regarding claim 6, 25, 27, Drake, Jr.; et al. discloses the following features: the programming instructions invoke the bandwidth reservation service to request the SBM to allocate a portion of the reserved bandwidth for the CALL to an individual media stream of the CALL while establishing an individual channel for the individual media stream during the CALL. See column 2, lines 37-41 and lines 50-54.

Regarding claim 10, Drake, Jr.; et al. discloses the following features: A storage medium having stored therein a plurality of programming instructions executable by a processor, wherein when executed, the programming instructions implementing a bandwidth reservation service that requests a sub-net bandwidth manager SBM to allocate a portion of reserved bandwidth for a packet based multi-media call CALL to an individual media stream of the CALL, providing the

SBM with call level information to allow the SBM to associate the individual media stream of the CALL with the reserved bandwidth of the CALL, the SBM managing network bandwidth of a local area network LAN through which the CALL is conducted.

Regarding claim 11, Drake, Jr.; et al. discloses the following features: wherein the programming instructions request the SBM to allocate a portion the reserved bandwidth of the CALL to the individual media stream of the CALL while establishing an individual channel for the individual media stream during the CALL.

Regarding claim 12, Drake, Jr.; et al. discloses the following features: the programming instructions are integral part of an operating system.

Regarding claim 14, Drake, Jr.; et al. discloses the following features: (a) a multi-media call application first reserving bandwidth for media streams of a packet based multi-media call (CALL) at a call level with a sub-net bandwidth manager (SBM) that manages network bandwidth of a local area network (LAN) through which the CALL is to be conducted; and (b) the multi-media call application subsequently causing the SBM to allocate the reserved bandwidth for the CALL to individual media streams of the CALL, causing call level information to be provided to the SBM to enable the SBM to associate the individual media streams of the CALL with the reserved bandwidth of the CALL.

Regarding claim 15, Drake, Jr.; et al. discloses the following features: (a) is performed as an integral part of the multi-media call application establishing a connection for the CALL.

Regarding claim 16, Drake, Jr.; et al. discloses the following features: wherein (b) comprises the multi-media call application invoking a bandwidth reservation service to request the SBM to allocate the reserved bandwidth for the CALL to the individual media streams of the

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CALL, providing the bandwidth reservation service with call level information for inclusion in the requests to enable the SBM to associate the individual media streams of the CALL with the CALL.

Regarding claim 17, Drake, Jr.; et al. discloses the following features: wherein (b) is performed on a per individual media stream basis as an integral part of establishing an individual channel for the individual media stream.

Regarding claim 18, Drake, Jr.; et al. discloses the following features: further comprises (c) the multi-media, call application determining if a call level admission control gatekeeper is connected to the LAN while establishing connection for the CALL.

Regarding claim 19, Drake, Jr.; et al. discloses the following features: if the call level admission control gatekeeper is connected to the LAN, (c) further comprises the multi-media application registering the CALL with the call level admission control gatekeeper in a manner that causes the gatekeeper to determine whether to admit the CALL into the LAN without taking into consideration bandwidth requirement of the CALL.

Regarding claim 29, Drake, Jr.; et al. discloses the following features: a first client computer (Fig. 1, REF 10); a medium (Fig. 1, REF 20) coupled to the first client; and a second client computer (Fig. 1, REF 29), coupled to the medium, that effectuates quality of service QOS guaranty for a packet based multi-media call CALL to the first client computer through call associated individual media stream bandwidth control.

Regarding claim 30, Drake, Jr.; et al. discloses the following features: a subnet bandwidth manager SBM (Fig. 1, REF 23), coupled to the medium, that manages the bandwidth of the network.

Regarding claim 33, Drake, Jr.; et al. discloses the following features: a gateway (Fig. 2, REF 31) coupled to the medium; a gatekeeper (Fig. 1, REF 23) coupled to the medium; and a router (Fig. 1, REF 21, 22) coupled to the medium.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drake, Jr.; et al. (US 5,461,611) in view of O'Neil et al. (US 5,963,547).

Drake, Jr.; et al. discloses the claimed above. Drake, Jr.; et al. does not disclose the features of: the CALL is an ITU-T H.323 compatible video conference call. O'Neil et al. discloses a centralized conferencing apparatus comprising the following features: the CALL is an ITU-T H.323 compatible video conference call. See column 1, lines 32-46, column 6, lines 22-61. It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Drake, Jr.; et al. by using the features, as taught by O'Neil et al., in order to provide an efficient data communication by taking advantage of all the call placement, progress, and termination functions in the well known H.323 protocol.

Response to Arguments

5. Applicant's arguments filed 6/20/03 have been fully considered but they are not persuasive.

On page 12, third paragraph, Applicant argues that Drake, Jr.; et al. discloses allocating a CALL or establishing the bandwidth reservations for a full multi-media data stream that includes everything associated with the multi-media communication; as stated in the background of Drake, Jr.; et al., page 2, lines 14-16, "merely managing a LAN's bandwidth at the call level often results in waste, as there is no correlation to the actual bandwidth consumption by the media streams of the calls". Examiner respectfully disagrees with these arguments. It is noted that the above underlined features cannot be found on page 2, lines 14-16 of Drake, Jr.; et al. Therefore, it is respectfully submitted that these arguments are irrelevant with respect to the rejected claims.

On page 12, fourth paragraph, Applicant argues that nothing is taught or suggested in Drake, Jr.; et al. that individual media streams of a multi-media call are bandwidth controlled. Examiner respectfully disagrees with these arguments. Drake, Jr.; et al. discloses that the data includes a plurality of data streams, wherein each data stream is identified by an unique StreamID, see column 7, lines 48-49; column 8, line 67 to column 9, line 1. Each individual data stream having unique StreamID is bandwidth controlled. See Figs 4-10. Therefore, it is respectfully submitted that Drake, Jr.; et al. does anticipate the claimed invention.

On page 13, first paragraph, Applicant argues that O'Neil et al. and Drake, Jr.; et al. do not disclose or suggest programming instructions implement a multi-media call application that effectuate QoS guaranty for a packet based multi-media call through call associated individual media stream bandwidth control, or a SBM managing network bandwidth of a LAN through

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which the CALL is conducted. Examiner respectfully disagrees with these arguments. Drake, Jr.; et al. discloses that the processes of Figs. 4-10 are implementing by programming a general computer to control user stations. Each individual data stream having unique StreamID is bandwidth controlled, as depicted in Figs. 4-10. See column 15, lines 28-46. Therefore, it is respectfully submitted that Drake, Jr.; et al. does teach the claimed invention

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 703-308-7583. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 703-305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

KWANG BIN YAO
PRIMARY EXAMINER



Kwang B. Yao
August 12, 2003